

SERVICE DATE – FEBRUARY 6, 2017

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 32 (Sub-No. 107X)

Boston & Maine Corporation—Abandonment Exemption—in Merrimack County, N.H.

Docket No. AB 355 (Sub-No. 43X)

**Springfield Terminal Railroad Company—Discontinuance of Service Exemption—
in Merrimack County, N.H.**

BACKGROUND

In this proceeding, Boston & Maine Corporation (B&M) and Springfield Terminal Railway Company (ST) filed a joint notice of exemption under 49 C.F.R. § 1152 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment and discontinuance of a line of railroad in Merrimack County, New Hampshire. The joint notice seeks authority from the Surface Transportation Board (the Board) for B&M to abandon and for ST to discontinue rail service over the approximately 6.36-miles of rail line, extending from milepost 74.32 to milepost 80.68 near Concord, New Hampshire (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, B&M, as the owner of the Line, would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

B&M and ST (collectively, the Applicants) submitted a combined Environmental and Historic Report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The Applicants served the Environmental and Historic Report on appropriate federal, state, and local agencies, as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 32 (Sub-No. 107X).

Diversion of Traffic

Applicants' Environmental Report states that no traffic has moved over the Line in at least two years. Accordingly, the proposed abandonment and discontinuance would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

If abandonment and discontinuance authority is granted in this proceeding, the Applicants state that the tracks and ties would be salvaged and relocated to another rail line. B&M, the owner of the Line, does not intend to alter any other structures located on the Line or to alter the contour of the rail right-of-way.

Land Use

The Applicants provided the combined Environmental and Historic Report to several local government agencies and officials, including the Office of the Mayor of Concord, New Hampshire, the Merrimack County Commissioners, and the Board of Selectmen of the Town of Boscawen, New Hampshire. To date, none of these agencies and officials have provided comments on the proposed abandonment and discontinuance. Because salvage activities would be limited in scope and would take place within an existing rail right-of-way, OEA does not anticipate that the proposed abandonment and discontinuance would be inconsistent with any existing land use plans. Accordingly, no mitigation is recommended regarding the impact of the proposed abandonment and discontinuance on local land use.

The Applicants requested comments from the U.S. Natural Resource Conservation Service (NRCS) regarding the impact of the proposed abandonment and discontinuance on agricultural land, but have received no comments from NRCS to date. Because salvage activity would take place within an existing rail corridor, OEA concludes that the proposed abandonment and discontinuance would not result in the conversion of prime farmland or other impacts to agricultural resources. Accordingly, no mitigation related to agricultural resources is recommended.

The National Geodetic Survey (NGS) submitted comments stating that four (4) geodetic station markers may be located in the vicinity of the Line. Accordingly, OEA is recommending a condition requiring B&M to consult with NGS at least 90 days prior to beginning any salvage activities that could destroy or disturb geodetic station markers.

Coastal Zone Compliance

The Applicants state, and OEA review has confirmed, that the Line is not located within a New Hampshire Coastal Zone. Accordingly, no mitigation related to coastal zone management is required or recommended.

Water Resources

The Line generally runs parallel to the Merrimack River and crosses several water features by means of a series of causeways. Two bridges on the Line span the mouth of the Contoocook River where it enters the Merrimack River. The Line also crosses through several areas containing wetlands.²

To date, the U.S. Army Corps of Engineers (the Corps) has not commented on the potential impact of the proposed abandonment on waterways and wetlands or the potential need for a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344). Because B&M intends only to remove track and ties from the rail right-of-way, OEA believes that impacts to waterways and wetlands are unlikely to result from the proposed abandonment and discontinuance. However, in order provide the Corps with an opportunity to provide comments, OEA is recommending a condition that would require B&M to consult with the Corps prior to beginning salvage activities.

To date, the New Hampshire Department of Environmental Services (DES) has not provided comments regarding the potential impacts of the proposed abandonment and discontinuance on water quality or the potential need for a permit under Section 402 of the Clean Water Act (33 U.S.C. § 1342). Although OEA believes that impacts to water quality are unlikely because of the limited scope of the proposed salvage activities, OEA is recommending a condition requiring B&M to consult with DES prior to undertaking salvage activities to ensure that any concerns of that agency are properly addressed.

Hazardous Materials

The Applicants state that there are no hazardous waste sites or sites where hazardous material spills have occurred on or adjacent to the right-of-way. OEA's review has confirmed that there are no federally listed remediation sites near the Line.³ Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

² U.S. Fish and Wildlife Service, National Wetlands Inventory, <http://www.fws.gov/wetlands/Data/Mapper.html> (last visited February 2, 2017).

³ Environmental Protection Agency, NEPAassist, <http://nepassisttool.epa.gov/nepassist/entry.aspx> (last visited February 2, 2017).

Biological Resources

The Applicants requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. To date, USFWS has not provided comments. To identify protected species that may be located in the vicinity of the Line, OEA conducted a search of the USFWS Information, Planning, and Conservation System.⁴ The table below shows the protected species known or thought to occur in Merrimack County, New Hampshire, as identified by OEA's search. OEA notes that, based on a search using the USFWS critical habitat mapping tool, the Line is not located in or near critical habitat for any of the species identified.⁵

Protected Species in Merrimack County, New Hampshire	
Mammals	Status
Northern long-eared bat (<i>Myotis septentrionalis</i>)	Threatened
Insects	
Karner blue butterfly (<i>Lycaeides melissa samuelis</i>)	Endangered
Flowering plants	
Small Whorled Pogonia (<i>Isotria medeoloides</i>)	Endangered

The northern long-eared bat (*Myotis septentrionalis*) is typically found in forests, where the bats roost during in trees during the summer, or caves, where they hibernate in the winter. The small whorled pogonia (*Isotria medeoloides*) is an orchid species that grows in older hardwood stands with an open understory. The Karner blue butterfly (*Lycaeides melissa samuelis*) has limited range because as caterpillars, this species feed exclusively on the leaves of the wild lupine plant.

The Line traverses areas that have been significantly altered by agricultural use and other development, as well as some areas of forested land. Based on the information available to date, including OEA's review of satellite imagery of the project area, OEA believes that it is unlikely that suitable habitat exists within the rail right-of-way for any of the species identified above. Because salvage activities would be limited to the removal of tracks and tie and would be confined to the rail right-of-way, OEA believes that the proposed abandonment and discontinuance would not adversely affect any individuals of those species that might be present in the project area. Accordingly, OEA is not recommending any mitigation related to biological resources. OEA is, however, providing a copy of this EA to USFWS for review and comment.

⁴ U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac/> (last visited February 2, 2017).

⁵ U.S. Fish and Wildlife Service, Critical Habitat Portal, <http://ecos.fws.gov/crithab/> (last visited February 2, 2017).

Air Quality

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality.

Noise

Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Summary

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. OEA is providing a copy of this EA to the following agencies for review and comment: DEP, USFWS, NGS, and the Corps.

HISTORIC REVIEW

The Line is a portion of the Northern Railroad, which originally ran from Concord, New Hampshire to White River Junction, Vermont, a total distance of approximately 69.6 miles, and which was completed in 1847. The Northern Railroad was acquired by B&M in 1887 and continued to provide passenger service until 1965 and freight service until the 1970s. No traffic as moved on the portion of the line proposed for abandonment in at least two years. A large portion of the Northern Railroad was acquired by the State of New Hampshire in 1996 and was converted into a recreational trail.⁶

According to information provided by the New Hampshire Division of Historical Resources (the State Historic Preservation Office or SHPO), the Northern Railroad was confirmed eligible for the National Register of Historic Places (the National Register) in 2014. The SHPO notes that there are numerous features on the Line that are character-defining elements contributing to the historical significance of the property. These features include bed and berm, mile markers, whistle posts, culverts, and two bridges.

B&M has voluntarily agreed to include language in any post-abandonment document of sale that would recognize the historical significance of the Line and ensure additional consultation with the SHPO and other stakeholders in the event of changes to the character-defining elements of the Line. Specifically, the language included in sale documents would read, “Any future undertaking shall enter into consultation with the Division and concerned towns in order to identify possible adverse effects to the line, if changes to the line are proposed.”

⁶ “Friends of the Northern Rail Trail in Grafton County,” <http://northernrailtrail.org/history/> (last visited February 2, 2017).

The Applicants served their Historic Report on SHPO, pursuant to 49 C.F.R. § 1105.8(c), along with photographs of the Line and all structures on the Line that are fifty years old or older. In a letter dated August 5, 2016, the SHPO states that, with the inclusion of the language above in any post-abandonment sales document, the proposed abandonment would have no adverse effect on historic properties listed in or eligible for listing in the National Register.

Because B&M does not plan to alter any sites or structures that could be considered contributing elements to the National Register-eligible Northern Railroad as part of the proposed abandonment, and because B&M has voluntarily agreed to include the language above in any post-abandonment sale document, OEA concurs with the SHPO's comments. Accordingly, pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that no known historic properties listed in or eligible for inclusion in the National Register would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.stb.dot.gov.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Park Service Native American Consultation Database to identify federally recognized tribes that may have ancestral connections to the project area.⁷ The search did not identify any federally recognized tribes that may have knowledge regarding cultural properties in the project area.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

- 1. Boston and Marine Corporation (B&M) shall notify the National Geodetic Survey at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers to plan for the possible relocation of the geodetic station markers.**
- 2. Prior to the commencement of any salvage activities, Boston & Maine Corporation shall consult with the U.S. Army Corps of Engineers (the Corps) regarding the potential impact of salvage activities on waterways and wetlands and shall comply with the reasonable recommendations of that agency.**
- 3. Prior to the commencement of any salvage activities, Boston & Maine Corporation (B&M) shall consult with the New Hampshire Department of Environmental**

⁷ National Park Service, National NAGPRA Program Native American Consultation Database, <http://grantsdev.cr.nps.gov/Nagpra/NACD/> (last visited February 2, 2017).

Services regarding the potential impact of salvage activities on water quality and shall comply with the reasonable recommendations of that agency.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption would not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

Requests for a notice of interim trail use (NITU) are due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Josh Wayland, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 32 (Sub-No. 107X) or Docket No.**

AB 355 (Sub-No. 43X) in all correspondence, including e-filings, addressed to the Board. If you have any questions regarding this Environmental Assessment, please contact Joshua Wayland, the environmental contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at joshua.wayland@stb.gov.

Date made available to the public: February 6, 2017

Comment due date: February 21, 2016

By the Board, Victoria Rutson, Director, Office of Environmental Analysis